

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11933-NMG

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SPINIELLO COMPANIES,  
Plaintiff,

v.

BRICO INDUSTRIES, INC.  
Defendant.

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**DEFENDANT, BRICO INDUSTRIES, INC'S FED. R. CIV. P. 26(a)(3) DISCLOSURES**

Pursuant to Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(C), defendant, Brico Industries, Inc. makes the following trial disclosures:

**A. Names and addresses of each person expected to be called at trial:**

1. Robert J. Card, P.E., Vice President, Brico Industries, Inc., 2681 Pleasantdale Road, Doraville, Georgia; 770-840-0662.
2. Tom Port, Sales Representative, Brico Industries, Inc., 2681 Pleasantdale Road, Doraville, Georgia; 770-840-0662.
3. Paul Angert, Sales Person, Products 2000, 19 Drake Court, Randolph, N.J. 07869, 973-895-6101.
4. Jose Collazo, Vice President, Spiniello Companies, 35 Airport Road, P.O. Box 1968, Morristown, N.J. 07962; 973-808-8383.
5. William S. Haines, Haines Enterprises, P.O. Box. 137, 38 Bare Hill Road, Topsfield, MA 01983, 978-887-0272
6. KOR of Camp Dresser & McKee, 1 Cambridge Place, 50 Hampshire Street, Cambridge, MA, 617-452-6000.
7. Frank DePaola, Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, 617-241-5350.
8. Charlene Savili, Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, 617-241-5350.

9. Lisa Hamilton; Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, 617-241-5250.
10. KOR of Massachusetts Water Resources Authority, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, 617-241-5250.

Brico also reserves the right to call those additional witnesses at time of trial as discovery and/or evidence develops at trial.

**B. Designation of Witnesses whom Testimony is Expected to be Presented by a Deposition:**

None.

**C. Identification of documents that Brico Expects to Submit at Trial.**

- Specifications and Contract, Massachusetts Water Resources Authority, Waterworks Division, Weston Aqueduct Supply Mains, Numbers 1 and 2, Contract No. 6280 (October 1999);
- M.W.R.A. Section 02704 dated 10/1/99;
- M.W.R.A. Section 02711 dated 10/20/99;
- M.W.R.A. Section 02776 dated 10/20/99, including Addendum Nos. 1, 2, 3;
- M.W.R.A. Section 02616 dated 10/20/99;
- Lineal Industries, Inc. Pricing Options dated 12/6/99 (three pages);
- Brico Quotation dated 12/16/99 (four pages);
- Brico Confirming Quotation dated 12/20/99 (four pages);
- E-mail from Ralph Miller of Miller Pipeline Corp to Emy Belich, Jerry Briner, David Gwaltney, Gerry Muenchmeyer, Daniels Walters and Lawrence Norris;
- 12/29/99 twenty-eight page fax to Andrew Tettelman of Camp Dresser & McKee from Jose Callozo of Spiniello;
- 2/21/00 Revised Pricing letter from Michael Cronin of Lineal Industries, Inc. to Bob Block of Spiniello;
- PO Order from Spiniello to Brico dated 3/7/00 (two pages);
- P.O. Confirmation R. Card to R. Block dated 3/27/00 (four pages);
- Brico Submittal Information letter R. Card to R. Block dated 3/31/00, including twelve page enclosure;

- Brico Submittal Information letter R. Card to R. Block dated 3/31/00 with approval stamp, including twelve page enclosure;
- Letter from Charlene Savioli of the MWRA to Larry Genner of Spiniello dated 5/30/00;
- Minutes of the Construction Progress Meeting of 6/1/00 (Progress Meeting No. 3);
- Camp Dresser & McKee Resident Engineer's Daily Report dated 6/7/00;
- Agreement btw Spiniello and ODF dated 6/12/00;
- Letter from Charlene Savioli of the MWRA to Robert DePonte of Spiniello dated 6/13/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 6/14/00;
- PO No. ODF 486-1, dated 6/20/00;
- Letter of Intent Minority/ Women Business Enterprise Program to Spiniello Companies dated 6/20/00 page 32;
- Letter of Intent Minority/ Women Business Enterprise Program to Spiniello Companies dated 6/20/00 page 35;
- Letter from Robert DePonte of Spiniello to Charlene Savioli dated 6/23/00, with fifteen page attachment;
- E-mail from J. Walsh to R. Card regarding 1<sup>st</sup> group WASM 2 60" Inner Seal Measurements dated 6/29/00, including three page attachment;
- Minutes of the Construction Progress Meeting of 7/6/00 (Progress Meeting No. 4);
- E-mail from J. Walsh to R. Card regarding 2nd group WASM 2 60" Inner Seal Measurements dated 7/7/00, including three page attachment;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 7/8/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 7/12/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 7/13/00;
- E-mail from J. Walsh to R. Card regarding 3rd group WASM 2 60" Inner Seal Measurements dated 7/13/00, including one page attachment;
- E-mail from J. Walsh to R. Card regarding 4th group WASM 2 60" Inner Seal Measurements dated 7/20/00, including five page attachment;

- 7/20/00 Invoice to Spiniello from Brico for Inner seals \$23,113;
- Minutes of the Construction Progress Meeting of 7/25/00 (Progress Meeting No. \_\_\_);
- Camp Dresser & McKee Resident Engineer's Daily Report dated 7/26/00;
- 7/26/00 Invoice to Spiniello from Brico for Inner seals \$26,557;
- Letter from R. Block of Spiniello to R. Card of Brico dated 7/27/00;
- Letter from Charlene Savioli of the MWRA to Robert DePonte of Spiniello dated 7/27/00;
- E-mail from J. Walsh to R. Card regarding 5th group WASM 2 60" Inner Seal Measurements dated 7/28/00, including four page attachment;
- Fax from J. Walsh to R. Card regarding 5th group WASM 2 60" Inner Seal Measurements dated 7/28/00, including four page attachment;
- 7/29/00 Invoice to Spiniello from Brico for Inner seals \$42,671;
- 7/29/00 Test Inspection Report.
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/3/00;
- 8/7/00 Firm Proposal from Miller Pipeline Corp. to Jose Collazo;
- Fax from Tom Port to J. Walsh of Spiniello dated 8/9/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/10/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/11/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/13/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/15/00;
- 8/15/00 Memorandum from James Glendye Sr. Camp Dresser & McKee to Tony Bonilla and Jim Pescatore (one page);
- Brico Quotation to J. Walsh dated 8/16/00;
- Fax to Tom Port of Brico from Pam of Spiniello dated 8/17/00 with one page attachment;
- 8/18/00 Invoice to Spiniello from Brico for Inner seals \$31,344;

- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/23/00;
- 8/26/00 Facsimile from John Walsh of Spiniello to Ralph Miller;
- 8/26/00 PO from Spiniello Companies to Miller Pipeline Corp.;
- Two page letter from R. Block to R. Card dated 8/28/00;
- Two page letter from J. Collazo to R. Card dated 9/11/00 including eleven page attachment;
- Miller Pipeline Corp Hy-Flex data sheets dated 9/12/00 (eleven pages);
- Letter from R. Card to J. Collazo dated 9/15/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 9/19/00;
- Letter R. Card to J. Collazo dated 9/20/00, enclosing Memorandum of L. Thau to B. Card dated 9/20/00;
- 9/20/00 PO Spiniello to Miller Pipeline Corp.;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 9/22/00;
- 9/26/00 PO from Contracting Co., Inc. to Miller Pipeline Co.;
- 10/6/00 Facsimile from Terry Bell of Miller Pipeline Corp. to John Walsh regarding Hy-Flex Shipments;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 10/18/00;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 10/19/00;
- 10/23/07 E-mail from John Walsh to Ralph Miller;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 10/23/00;
- 10/24/00 Letter from Ralph Miller of Miller Pipeline Corp. to John Walsh;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 11/3/00;
- Ten Page 11/10/00 facsimile from Miller Pipeline Corp. to Karen of ODF Contracting Co.;
- Letter from Davis Yunis of Spiniello to James Glendye Sr. of Camp Dresser & McKee dated 12/13/00;
- Letter from Michael McBride of MWRA to Jose Collazo of Spiniello dated 12/18/00;

- Minutes of the Construction Progress Meeting of 1/4/01 (Progress Meeting No. 10);
- Letter from Davis Yunis of Spiniello to Charles Savioli of the MWRA dated 1/9/01;
- Letter from Charlene Savioli of the MWRA to David Yunis dated 1/11/01;
- Two page letter from Charlene Savioli of the MWRA to Robert DePonte dated 1/11/01;
- Letter from Leonard Macari of ODF to Charlene Savioli dated 1/11/01;
- Two page letter from David Yunis of Spiniello to Oliver Fernandez of ODF dated 1/15/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 1/15/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 1/18/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 1/19/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 1/23/01;
- Letter from Jose Collazo of Spiniello to Robert Card of Brico, including 12 page attachment;
- Three page letter from James Glendye of Camp Dresser & McKee to David Yunis of Spiniello dated 1/29/01;
- 3/19/01 two page correspondence from Charlene Savioli of the MWRA to Robert DePonte of Spiniello;
- Two page letter from John Purceillo of Spiniello to James Glendye of Camp Dresser & McKee dated 4/3/01;
- Letter from Todd Galletti of Spiniello to ODF Contracting dated 4/6/01;
- Minutes of the Construction Progress Meeting of 4/5/01 (Progress Meeting No. 13);
- Letter from James Glendye of Camp Dresser & McKee to John Purciello of Spiniello;
- MWRA Monthly Compliance Report Minority/Women Business Enterprises Program dated 4/30/01;

- 5/1/01 Standard Operating Procedures for Work on Pipelines prepared by Spiniello Companies;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/11/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/17/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/18/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/22/01;
- Letter from John Purciello of Spiniello to James Glendye Sr. of Camp Dresser & McKee dated 5/22/01;
- Letter from Todd Galletti of Spiniello to Charles Savioli of the MWRA dated 5/29/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/11/01;
- 5/21/01 correspondence from Todd Galletti of Spiniello to Lenny Macari of ODF Contracting Company, Inc.;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 5/22/01;
- 5/29/01 correspondence from Todd Galletti of Spiniello to Charlene Savioli of the MWRA;
- Two page letter from J. Purciello of Spiniello to D. Gibbons dated 6/4/01;
- Fax from Todd Galletti to John dated 6/8/01;
- Two page fax from D. Gibbons to J. Purciello of Spiniello dated 6/11/01;
- 6/19/01 letter from James Glendye Camp Dresser & McKee to John Purciello of Spiniello;
- 6/25/01 Four page fax from Pam of Spiniello to James Glendye of Camp Dresser & McKee;
- 7/3/01 three page letter from Lisa Hamilton of the MWRA to James Pescatore of Camp Dresser & McKee including one page attachment;
- Minutes of the Construction Progress Meeting of 7/12/01 (Progress Meeting No. 16);
- Five page memorandum from James Glendye, Sr. of Camp Dresser & McKee to Jim Pescatore dated 7/19/01;

- 7/23/01 Letter from James Glendye of Camp Dresser & McKee to John Purciello of Spiniello;
- 7/24/01 Memorandum from James Glendye, Sr. Camp Dresser & McKee; to A. Navanandan including three page attachment;
- Seven page letter from James Pescatore to Lisa Hamilton of the MWRA dated 7/27/01;
- 7/31/00 two page correspondence from James Pescatore of Camp Dresser & McKee to Edward Brown of MWRA, including eleven page attachment;
- Minutes of the Construction Progress Meeting of 8/9/01 (Progress Meeting No. 17);
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/13/01;
- Letter from T. Galletti of Spiniello to James Glendye of Camp Dresser & McKee dated 8/14/01;
- Camp Dresser & McKee Resident Engineer's Daily Report dated 8/23/01;
- MWRA Monthly Compliance Report Minority/Women Business Enterprises Program dated 8/31/01;
- Minutes of the Construction Progress Meeting of 10/2/01 (Progress Meeting No. 19);
- Two page letter from T. Galletti of Spiniello to Mr. Navanandan of MWRA dated 10/5/01;
- MWRA Monthly Compliance Report Minority/Women Business Enterprises Program dated 11/07/01;
- CDM Physical Work Status 12/31/01;
- MWRA Contract #6280 Minutes of the Construction Progress Meetings for the project;
- MWRA Contract #6280 Daily Reports 4/21/00 to 6/28/02;
- Engineer's Decision 1/31/02;
- Letter from Robert A. DePonte to James M. Glendye, Sr., Camp Dresser & McKee, Inc. dated 2/20/02;
- Letter from James M. Glendye, Sr., Camp Dresser & McKee, Inc. to Todd Galletti of Spiniello dated 3/15/02;



- Letter from Todd Galletti of Spiniello to James M. Glendye, Sr., Camp Dresser & McKee, Inc. dated 4/3/02
- Letter from John Purciello of Spiniello to James Glendye of Camp Dresser & McKee 4/25/02;
- Letter to Todd Galletti of Spiniello from James Glendye including six page attachment;
- 6/13/02 Change Order No. 3;
- 7/23/02 Change Order No. 4;
- Affidavit of Keeper of Records of Miller Pipeline Corporation Nov. 22, 2005;
- Photographs of project;
- Depend-O-Lok Inner Seal II Installation Procedures (two pages);
- Depend-O-Lok Inner Seal II Materials (four pages);
- Spiniello's 12/23/02 claim, as well as earlier claim, in the amount of \$4,955,067.19 upon the MWRA (including that dated 11/5/01);
- 2/12/02 letter from John Purciello of Spiniello to James Glendye of Camp Dresser & McKee;
- MWRA Monthly Compliance Report Minority/Women Business Enterprises Program dated 4/8/02;
- Spiniello Companies' Answers to Defendant Brico Industries First Request for Admissions.

Brico also reserves the right to use those additional exhibits at time of trial as discovery and/or evidence develops at trial.

Respectfully Submitted By,

Counsel for Defendant,  
BRICO INDUSTRIES, INC.

*/s/Grace V. Bacon Garcia*

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 28, 2007.

*/s/ Grace V. Bacon Garcia*

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Grace V. Bacon Garcia